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| 09/617,868 | 07/17/2000 | Thomas J. Shaw | 75329 77432 | 8293 |
| 20873 | 7590 | 11/17/2004 | EXAMINER | |
| LOCKE LIDDELL & SAPP LLP | | | SIRMONS, KEVIN C | |
| ATTN: SUE COTT | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Information Disclosure Statement

The information disclosure statement filed 9/16/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed on 9/16/04 does not fully comply with the requirements of 37 CFR 1.98 because: It is unclear if applicant wishes the examiner to consider the reference cited during the litigation process, which is disclosed in the IDS. Since the submission appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the date of this notice to supply the above mentioned omissions or corrections in the information disclosure statement. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b). Failure to timely comply with this notice will result in the above mentioned information disclosure statement being placed in the application file with the noncomplying information **not** being considered. See 37 CFR 1.97(i).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kevin C. Sirmons whose telephone number is (703) 306-5410. The examiner can normally be reached on Monday - Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.



Kevin C. Sirmons
Patent Examiner
11/15/04